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**WORKING SESSION MEMORANDUM**

**DATE:** June 8, 2012

**TO:** Alderman Marcia Johnson, Chair of Zoning and Planning Committee  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development  
Seth Zeren, Chief Zoning Code Official 

**SUBJECT:** #152-10: Ald. Baker, Fuller, Schnipper, Shapiro, Fischman, Yates and Danberg recommending discussion of possible amendments to Section 30-19 of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.

**MEETING:** June 11, 2012

**CC:** Board of Aldermen  
Bob Rooney, COO  
Donnalyn Kahn, City Solicitor

**BACKGROUND**

In a 2003 Appeals Court of Massachusetts case, *Trustees of Boston College vs. Board of Aldermen of Newton*, the Court ruled that the application of the parking regulations in Newton's Zoning Ordinance as written results in an overcounting of parking spaces required by colleges and universities because some uses, such as classrooms, dorm rooms and cafeterias would be separately included in parking calculations when, in fact, an individual student or staff member could only be in one place at a time. The Court expressed support for the provision of Section 30-19(13) of the Newton Code that allows discounts for restaurants, theatres, etc. in conjunction with a hotel, but noted that this provision is not written so as to apply to college campuses, though it exhibits similar multi-use characteristics. Ultimately, the application of Section 30-19 to the Boston College Middle Campus Project was overturned and the Court recommended that the City's zoning regulations be amended to arrive at a more reasonable parking regulation for colleges and universities consistent with the Court decision and MGL Chapter 40A Section 3, the so-called "Dover Amendment."

The Zoning and Planning Committee considered Petition #152-10 in a working session on May 14. At that time staff requested this item be held until representatives of the local colleges had an opportunity to review and comment on the proposal. On May 22<sup>nd</sup>, staff from the Departments of Law, Planning and Inspectional Services met with representatives of Mt. Ida, Lasell, Boston College, Hebrew College, and Andover Newton Theological School to review proposed language to address campus parking and to discuss the impacts on their campuses. All agreed that the demand for parking for each varied, depending on several factors, which they felt should be taken into consideration when assessing new legislation. These include:

- Policies regarding student driving; e.g., whether students are allowed to drive and for how many years influences parking demand.
- Parking locations and cost of parking
- Alternative modes of transportation and proximity to transit
- Incentives to use alternative modes of travel
- Where students live; i.e., the populations of students that live on-campus versus off-campus influences the amount of commuting and, thus, parking demand.
- Amenities and services on-site that allow students' needs to be met without leaving campus
- Incidence of special events which draw non-students to campus
- Facilities that are made available to other users and the frequency of their use
- The time of day classes are held
- Age of students
- Number of faculty and staff and their work hours

The group also discussed how to consider parking calculations for new construction, specifically whether parking supply and demand should be viewed for each campus as a whole or whether each new addition should meet parking requirements incrementally. Grandfathering of existing spaces also factors into the analysis of parking needs for each campus. In order to further their understanding of these issues and arrive at an approach suited to their different needs, they asked the Board's consideration to hold this item momentarily so representatives of the respective schools can discuss further the best approach for regulating campus parking.

## **ANALYSIS**

In response to earlier questions from the Committee, staff has continued to look to other cities for examples of their approaches. The most relevant may be those of Cambridge and Somerville, as they are local and are home to four major universities: Harvard, MIT, Lesley, and Tufts along with numerous other smaller institutions of post-secondary education.

Somerville regulates parking at Tufts University through the special University zoning district. The number of stalls is based on the number of faculty, students, and staff associated with Tufts. Each year, Tufts must submit a report detailing the number and location of all parking stalls on the campus and identifying the average number of persons in each category employed or attending the University.

Cambridge regulates required parking at colleges or universities through specific ratios associated with each use (dormitory, cafeteria, classroom, place of assembly, etc.) that depend on which zone the use is located in. Cambridge's ratios are notably less restrictive than Newton's. For example, in Cambridge, depending on the zone, one stall is required for each 20 to 60 seats in a cafeteria, while in Newton the proposed requirement would be 1 stall per three seats. These ratios may be appropriate in Cambridge because of the greater access to public transportation, while in Newton more students regularly commute by car to some of the schools.

Another consideration not previously mentioned is the use of campus master planning in this effort. For example, a master plan for each campus that establishes a vision for future construction with necessary parking and a management plan to meet the anticipated needs could be used as a guide for evaluating incremental changes with minimal review. Staff feels this, too is worthy of further consideration.

## **SUMMARY**

Staff's earlier nationwide scoping, as well as a closer look at local communities reaffirms its earlier conclusion that there is not one preferred method for regulating college and university parking. In light of the interest expressed by the local colleges in collaborating in an effort to help produce a regulation that suits their varying needs, the Planning Department recommends establishing a small working group of representatives of each major institution during the summer to fine-tune an approach that develops a useful requirement that serves both the community and the colleges.